WP(C) 5607/2007

BEFORE

HON'BLR MR. JUSTICE HRISHIKESH ROY.

Heard Mr. A. Deb, learned counsel appearing for the petitioner. Also heard Mrs. H.M. Phukan, learned Govt. Advocate appearing for the State respondents. I have also heard Ms N. Hawelia, learned Central Govt. Counsel appearing for the Union of India.

The petitioner herein is aggrieved by judgment dated 26.6.2007 in F.T. Case No.91/2006 (in connection with Police Case No.57/2005) rendered by the learned Member, Foreigners' Tribunal, Diphu whereby the petitioner has been declared as a foreigner.

Mr. A. Deb, learned counsel for the petitioner submits that he had engaged a lawyer to defend him before the learned Tribunal, but the said lawyer, despite taking responsibility, not only failed to defend the case but also failed to submit written statement on the basis of the instructions given to him.

Accordingly, it is submitted that if only an opportunity is given to the petitioner to demonstrate his status, he would be able to do so by adducing proper evidence before the learned Tribunal.

Considering the above submission and on perusal of the averments made in the writ petition, I dispose of the writ petition by interferring with the impugned judgment dated 26.6.2007 rendered by the learned Foreigners Tribunal. Let there be fresh adjudication on the status of the writ petitioner by the learned Tribunal.

For this purpose, the writ petitioner shall appear before the learned Tribunal on 10th December, 2007 whereafter the status of the writ petitioner, on the basis of the evidence that might be adduced, shall be adjudicated afresh by the learned Tribunal.

Mr. Deb, learned counsel for the petitioner submits that the name of the petitioner has been wrongly recorded by the Tribunal as 'Binesh Namasudra' whereas it should be 'Dinesh Namasudra'.

With the above direction, the writ petition stands closed.